

SIXTY-FIFTH DAY
(Continued)
(Wednesday, May 17, 1989)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

SENATOR ANNOUNCED PRESENT

Senator Washington, who had previously been recorded as "Absent-excused," was announced "Present."

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1614, Relating to the authority of a county, on a local-option basis, to charge admission fees for county parks and the disposition of those fees.

H.B. 2117, Relating to the licensing and regulation of home health care agencies.

H.B. 2119, Relating to the sale or transfer of stock in a water supply or sewer service corporation and to the rights of the person to whom the stock is sold or transferred.

H.B. 2179, Relating to the regulation and assessment of health maintenance organizations.

H.B. 2355, Relating to a director acting as general manager of an underground water conservation district.

H.B. 3143, Relating to the composition and compensation of the members of the Potter County Juvenile Board.

S.B. 432, Relating to the right of a commissioned officer of the Department of Public Safety to engage in certain off-duty activities. (As amended)

S.B. 452, Relating to certain technical and other corrections and revisions to the Property Code. (As amended)

S.B. 589, Relating to the administration and funding of a motorcycle training and safety program. (As amended)

S.B. 594, Relating to the membership, powers and duties of the State Preservation Board. (As substituted and amended)

S.B. 652, Relating to administrative adjudication of parking offenses in certain municipalities. (As amended)

S.B. 690, Relating to grievance procedures in certain municipalities. (As substituted)

S.B. 737, Relating to the regulation of professional engineers. (As substituted)

S.B. 936, Relating to medical and hospitalization self-insurance plans and insurance for counties. (As substituted and amended)

S.B. 993, Relating to the creation, administration and powers, including the power of eminent domain subject to limitations, and to the duties, operations and financing of Collin County Regional Water Authority, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; relating to the power of the county and of municipalities, other political subdivisions and nonprofit water supply corporations to enter into and give security for contracts with the authority. (As substituted)

S.B. 1060, Relating to the authority of a person to stand in a roadway to solicit charitable contributions. (As amended)

S.B. 1289, Relating to forcible entry and detainer. (As amended)

S.B. 1517, Relating to the registration and permitting requirements of certain municipal solid waste management facilities and to establishing a waste minimization and recycling office within the Texas Department of Health. (As amended)

S.B. 1528, Relating to the authority of a home-rule municipality to annex certain area in which a farm-to-market road is proposed. (As amended)

S.B. 1675, Relating to the creation, administration, powers, duties, operation and financing of the Live Oak County Underground Water Conservation District. (As amended)

S.B. 262, Relating to the provision of certain health and accident insurance and coverage to certain local government officers, employees, retirees and dependents.

S.B. 438, Relating to juvenile probation personnel employed by a political subdivision of the State.

S.B. 483, Relating to the qualifications of retired judges to be appointed as special county judges in certain counties.

S.B. 490, Relating to membership, participation and credit in, and benefits and administration of, the Teacher Retirement System of Texas and programs administered by the retirement system.

S.B. 586, Relating to the funding of an approved peer assistance program by the Texas State Board of Dental Examiners.

S.B. 625, Relating to the creation of security interests by certain transactions.

S.B. 632, Relating to the liability of independent contractors who contract with a municipality to provide certain mass transportation services.

S.B. 681, Relating to the authority of a county tax assessor-collector to deputize an individual or a business entity to issue motor vehicle registration receipts or to prepare or accept applications for title transfers.

S.B. 757, Relating to advertising items provided to retailers by holders of winery permits.

S.B. 779, Relating to the continuation of the County Court at Law of Austin County.

S.B. 789, Relating to the creation of the offense of interference with railroad property.

S.B. 807, Relating to an offer of merchandise in a carnival contest sponsored by a nonprofit agricultural or civic group.

S.B. 839, Relating to the inspection of certain juvenile files and records.

S.B. 878, Relating to the authorization for a student recreational sports fee at institutions within The Texas A&M University System.

S.B. 956, Relating to the Special Supplemental Food Program for Women, Infants and Children.

S.B. 960, Relating to the appointment of bailiffs for certain courts in Tom Green County.

S.B. 970, Relating to the duration of certain leases made by certain municipalities.

S.B. 977, Relating to credit in, benefits from and administration of public retirement systems for police officers in certain municipalities.

S.B. 1047, Relating to the construction of statutes.

S.B. 1080, Relating to the cancellation of insurance after foreclosure under a deed of trust.

S.B. 1143, Relating to the creation, administration, powers, duties, operation and financing of the Baylor County Hospital District; granting the power of eminent domain; providing for the issuance of bonds and the levy of taxes.

S.B. 1146, Relating to the sale of certain real property in Jefferson County by Lamar University.

S.B. 1159, Relating to the nomination by certain counties for inclusion in an enterprise zone of areas within the extraterritorial jurisdiction of a municipality.

S.B. 1235, Relating to the sale of certain State-owned real property in Travis County and to the issuance of revenue bonds to finance the development, construction, renovation and furnishing of facilities for the Texas School for the Deaf.

S.B. 1259, Relating to benefits from public retirement systems for police officers in certain municipalities.

S.B. 1431, Relating to proceeds from the sale of underproductive trust property.

S.B. 1537, Relating to the juvenile board and court services department of Dallas County and to the salaries of the district judges having jurisdiction in Dallas County.

S.B. 1547, Relating to child-care facilities.

S.B. 1667, Relating to the creation, administration, powers, duties, operations, financing and dissolution of the Alamo Conservation and Reuse District and the authority of that district and other governmental and private entities to contract.

S.B. 1728, Relating to the authority of the Railroad Commission of Texas to direct payment of the cost of holding certain hearings at locations other than Austin, and making an appropriation.

H.B. 1590, Relating to the appointment of Deputy police and fire chiefs in certain municipalities.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator McFarland submitted the following report for the Committee on Criminal Justice:

H.C.R. 119
H.B. 2280
H.B. 2247
H.B. 989
H.B. 433
H.B. 803
H.B. 972
S.B. 1236
C.S.H.B. 2335
C.S.H.B. 8
C.S.S.B. 805
C.S.S.B. 964
C.S.S.B. 709

By unanimous consent, Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1785
S.B. 1768

By unanimous consent, Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.B. 1667

By unanimous consent, Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.B. 1475

By unanimous consent, Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 787 (Amended)
C.S.H.B. 737

By unanimous consent, Senator Whitmire, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1763

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Zaffirini and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 653 by Zaffirini Administration
Directing the Health and Human Services Committee to establish an interim study committee to examine the control and regulation of technologically enhanced naturally occurring radioactive materials.

S.R. 655 by Sims Administration
Directing the Senate Committee on Natural Resources, or a subcommittee designated by the Chair, to conduct an interim study of hunting seasons and licenses as regulated by the Parks and Wildlife Department.

S.C.R. 153 by Johnson Education
Directing the Texas Higher Education Coordinating Board to study the feasibility of providing State support for the continued functioning of Bishop College in Dallas, Texas.

S.B. 1845 by Caperton Finance
Relating to certain taxes paid by certain title insurance holding companies.

S.B. 1846 by Sims Natural Resources
Relating to the submission of budgets by a commodity producers board.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 240, To Committee on Administration.

H.C.R. 236, To Committee on Economic Development.

H.J.R. 102, To Committee on State Affairs.

H.B. 2312, To Committee on Criminal Justice.

H.B. 1873, To Committee on Jurisprudence.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.B. 16 (Sims) Relating to the eligibility of certain counties to impose a tax on occupancy in a hotel, motel or similar facility. (29-2) Brown, Washington "Nay" (30-1) Brown "Nay"

S.B. 110 (Santiesteban) Relating to improvement district finances, reports, supplies and expenditures. (30-1) Washington "Nay" (31-0)

C.S.S.B. 388 (Zaffirini) Relating to the offense of interfering with child custody. (30-1) Washington "Nay" (31-0)

S.B. 680 (Krier) Relating to the supplemental compensation paid district judges in Bexar County. (30-1) Washington "Nay" (31-0)

S.B. 738 (Armbrister) Relating to authorizing a sheriff to issue a commission to a retired sheriff. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1309 (Montford) Relating to reports by a justice court to the Department of Public Safety of certain complaints disposed of by the justice court. (30-1) Washington "Nay" (31-0)

S.B. 1571 (Brooks) Relating to the coastal management coordinating responsibilities of the General Land Office. (30-1) Washington "Nay" (31-0)

Senator Brooks offered the following committee amendment to the bill:

Amend **S.B. 1571** as follows:

(1) On page 1, Line 15 by striking the word “and”.

(2) On page 1, Line 16, by adding after “Transportation” the phrase “and the Texas Railroad Commission”.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.S.B. 1611 (Green) Relating to prohibiting boats from entering an area in which a person is scuba diving or snorkeling. (30-1) Washington “Nay” (31-0)

S.B. 1680 (Brooks) Relating to the transfer of administration of beach cleaning funds from the Parks and Wildlife Department to the General Land Office. (30-1) Washington “Nay” (31-0)

S.B. 1688 (Brown) Relating to creation and operation of the space industry and education fund. (30-1) Washington “Nay” (31-0)

S.B. 1704 (Armbrister) Relating to the penalties for violations of commercial fishing license requirements under the Parks and Wildlife Code. (30-1) Washington “Nay” (31-0)

S.B. 1741 (Armbrister) Relating to the establishment of a public defender’s office in Aransas County. (30-1) Washington “Nay” (31-0)

S.B. 1779 (Caperton) Relating to assumption of road utility district authority by the Elkins Lake Municipal Utility District. (30-1) Washington “Nay” (31-0)

S.B. 1840 (Sims) Relating to the exchange of certain State-owned land and to the granting of a patent. (30-1) Washington “Nay” (31-0)

H.C.R. 13 (Armbrister) Memorializing Congress to increase Medicare compensation to rural hospitals. (vv)

H.C.R. 68 (Uribe) Endorsing the Palo Alto Battlefield National Historical Park Project. (vv)

Senator Uribe offered the following committee amendment to the resolution:

Amend **H.C.R. 68** by amending the last resolving clause to read as follows:

RESOLVED, That the 71st Legislature of the State of Texas hereby express its full support for the Palo Alto Battlefield National Park project and commend those public-minded citizens of Cameron County, especially the members of the Brownsville, Texas, Chapter of Kiwanis International, whose interest and enthusiasm in preserving the battlefield and heightening public awareness of Texas history is greatly appreciated by the legislature of this state.

The committee amendment was read and was adopted viva voce vote.

H.C.R. 143 (Edwards) Creating the committee to select the Poet Laureate of Texas. (vv)

H.B. 25 (Haley) Relating to the issuance of a fishing license. (30-1) Washington “Nay” (31-0)

H.B. 200 (Edwards) Relating to the credentials of certain persons who appraise real property. (30-1) Washington “Nay” (31-0)

H.B. 216 (Ratliff) Relating to the preparation and distribution of election information on the creation of a water district or authority. (30-1) Washington “Nay” (31-0)

H.B. 228 (Armbrister) Relating to the authority to sign checks for the Lavaca-Navidad River Authority. (30-1) Washington "Nay" (31-0)

H.B. 306 (Johnson) Relating to the prohibition of certain disbursements from a county fund to a person with an outstanding debt to the State or county. (30-1) Washington "Nay" (31-0)

H.B. 333 (Glasgow) Relating to the inspection by a peace officer of the inventory, premises and records of an automobile salvage dealer. (30-1) Washington "Nay" (31-0)

H.B. 462 (Brooks) Relating to the requirement of notice to the county clerk of municipal boundary changes and to the updating of the official county map. (30-1) Washington "Nay" (31-0)

H.B. 509 (Zaffirini) Relating to supplemental compensation received by the judges of district courts in Caldwell, Comal, Guadalupe and Hays counties. (30-1) Washington "Nay" (31-0)

H.B. 549 (Bivins) Relating to an exemption from the nepotism law for substitute teachers in certain school districts. (30-1) Washington "Nay" (31-0)

H.B. 568 (Glasgow) Relating to a requirement that a judgment in a criminal case contain information necessary to ensure the payment of restitution to a victim of the offense. (30-1) Washington "Nay" (31-0)

H.B. 596 (Zaffirini) Relating to the appointment of a permanent guardian for a minor. (30-1) Washington "Nay" (31-0)

H.B. 600 (Caperton) Relating to the application of the professional prosecutors law to the county attorney of Milam County. (30-1) Washington "Nay" (31-0)

H.B. 606 (Parmer) Relating to including on school bus routes children who attend certain child care facilities. (30-1) Washington "Nay" (31-0)

H.B. 684 (Barrientos) Relating to mandatory retirement ages for tenured faculty at institutions of higher education. (30-1) Washington "Nay" (31-0)

H.B. 780 (Barrientos) Relating to the creation of the Northeast Growth Corridor Water, Sewer, Irrigation and Drainage District No. 2. (30-1) Washington "Nay" (31-0)

H.B. 781 (Barrientos) Relating to the creation of the Northeast Growth Corridor Water, Sewer, Irrigation and Drainage District No. 1. (30-1) Washington "Nay" (31-0)

H.B. 841 (Montford) Relating to the notice required for the appointment of a receiver for certain mineral interests. (30-1) Washington "Nay" (31-0)

C.S.H.B. 843 (Whitmire) Relating to the location and maintenance outside the state of books, records and accounts of certain domestic insurance companies. (30-1) Washington "Nay" (31-0)

H.B. 860 (Uribe) Relating to competitive bidding to allow for an exception for an expenditure for equipment sold at an auction, at a going out of business sale or by another political subdivision. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1044 (Brooks) Relating to powers of local health jurisdictions concerning training programs for food service workers. (30-1) Washington "Nay" (31-0)

H.B. 1073 (Parmer) Relating to shift differential pay for fire fighters and police officers in certain municipalities. (30-1) Washington "Nay" (31-0)

H.B. 1094 (Whitmire) Relating to repeal of the fee required to be charged on dismissal of a charge of failure to maintain financial responsibility for use of a motor vehicle. (30-1) Washington "Nay" (31-0)

H.B. 1171 (Brown) Relating to a change fund for county and district officials. (30-1) Washington "Nay" (31-0)

H.B. 1347 (Brooks) Relating to a support program for persons who are mentally disabled. (30-1) Washington "Nay" (31-0)

H.B. 1439 (Montford) Relating to adverse possession. (30-1) Washington "Nay" (31-0)

H.B. 1469 (Uribe) Relating to the definition of "handicapped person" for the purposes of education, training and special services provided by a rehabilitation district. (30-1) Washington "Nay" (31-0)

H.B. 1522 (Henderson) Relating to the violation of traffic laws by certain minors. (30-1) Washington "Nay" (31-0)

H.B. 1555 (Carriker) Relating to the requirement of continuing education for county commissioners. (30-1) Washington "Nay" (31-0)

H.B. 1561 (Edwards) Relating to creation and operation of a State Manufacturing Institute. (30-1) Washington "Nay" (31-0)

H.B. 1684 (Uribe) Relating to the authority of the Commissioners Court of Hidalgo County and Commissioners Court of Cameron County to pay an automobile allowance to the district judges having jurisdiction in Hidalgo and Cameron counties. (30-1) Washington "Nay" (31-0)

H.B. 1712 (Harris) Relating to the payment of the expense of an alcoholic beverage election in a municipality. (30-1) Washington "Nay" (31-0)

H.B. 1752 (Montford) Relating to membership in, benefits from, and administration of the volunteer fire fighters' relief and retirement fund. (30-1) Washington "Nay" (31-0)

H.B. 1852 (Armbrister) Relating to the vote required to approve certain contracts of the Lower Colorado River Authority. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1888 (Krier) Relating to establishing the Texas Literacy Council as an advisory body in the Department of Commerce. (30-1) Washington "Nay" (31-0)

H.B. 1910 (Lyon) Relating to required instruction in railroad and highway grade crossing safety in driving safety courses. (30-1) Washington "Nay" (31-0)

H.B. 1991 (Armbrister) Relating to the board of directors of the Lower Colorado River Authority. (30-1) Washington "Nay" (31-0)

Senator Armbrister offered the following committee amendment to the bill:

Amend **H.B. 1991** as follows:

(1) Add new Sections 2 and 3 to read as follows:

SECTION 2. All proceedings, governmental acts, resolutions, orders, ordinances, bonds, contracts, and other instruments adopted, approved, executed, issued, or ratified by the Lower Colorado River Authority board of directors before the effective date of this Act are validated, ratified, approved, and confirmed.

SECTION 3. (a) For terms beginning immediately after the terms expiring February 1, 1993, the governor shall appoint one person to serve a two-year term, one person to serve a four-year term, and five persons to serve six-year terms.

(b) Directors appointed for terms beginning February 1, 1995, and all subsequent directors serve staggered six-year terms.

(c) The appointment of each person holding the position of director immediately preceding the effective date of this Act is ratified and confirmed.

(2) Renumber Section 2 of the bill as Section 4.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 2020 (Montford) Relating to certain documents necessary for the transfer of title to a motor vehicle; providing a criminal penalty. (30-1) Washington "Nay" (31-0)

H.B. 2040 (Krier) Relating to the power of the commissioner of education to administer certain oaths. (30-1) Washington "Nay" (31-0)

H.B. 2058 (Krier) Relating to the oversight of the Governor's Mansion. (30-1) Washington "Nay" (31-0)

H.B. 2306 (Henderson) Relating to the exclusion of land from a municipal utility district. (30-1) Washington "Nay" (31-0)

H.B. 2601 (Tejeda) Relating to the training of guide dogs for the blind. (30-1) Washington "Nay" (31-0)

C.S.H.B. 2626 (Parker) Relating to the exclusion of certain territory from a rural fire prevention district or an emergency services district. (30-1) Washington "Nay" (31-0)

H.B. 2681 (Lyon) Relating to enhanced warning sign visibility at railroad grade crossings. (30-1) Washington "Nay" (31-0)

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

<u>Number</u>	<u>Senators Removing</u>
H.B. 526	Washington, Sims
H.B. 959	By Sponsor, Carriker

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Carriker, the Senate at 8:36 a.m. adjourned until 10:00 a.m. today.

SIXTY-SIXTH DAY (Wednesday, May 17, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.